

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**In re Property Rights of JACK B. KYLE  
and Jack Britton Kyle,**

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**No. 3:08-MC-0125-O-BH**

**Referred to U.S. Magistrate Judge**

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

Pursuant to 28 U.S.C. § 636(b) and an *Order* filed September 11, 2009, this case was referred for pretrial management. Having reviewed the pertinent filings and the law applicable to the issues raised, this action should be **DISMISSED** as improperly filed unless Jack Britton Kyle (“Kyle”) shows why his filing is proper in this Court.

**I. BACKGROUND**

On November 6, 2008, Kyle submitted a filing to this Court consisting of this an initial page and one hundred pages of various documents, and he paid the \$39.00 filing fee for miscellaneous matters. On the initial page, Kyle states that he unsuccessfully attempted to file the documents in Rockwall County and files them in this Court “to establish a record of the existence of said documents to secure Rights to life, liberty, pursuit of happiness, and remedies therein.”

On August 18, 2009, a nonparty to this action filed a motion to dismiss or alternative motion to strike.

**II. ANALYSIS**

The Court collects a \$39 filing fee for (1) a foreign subpoena; (2) letters rogatory or letters of request; (3) motions to compel regarding a foreign subpoena; (4) motions to quash grand jury or foreign deposition subpoena; (5) papers of trustees; and (6) registration of judgment from another district. Although Kyle paid the reduced miscellaneous matter filing fee, the 100-page submission

in this case does not fall within any of those categories.

Kyle's submission also does not commence a regular civil action because he has not complied with the Federal Rules of Civil Procedure, particularly Rules 3 (requiring the filing of a complaint) and 8 (setting out various pleading requirements, including a short and plain statement of the grounds for the Court's jurisdiction). Nor has he paid the applicable filing fee for a civil action or filing a motion to proceed *in forma pauperis*.<sup>1</sup> Consequently, even if the Court were to construe Kyle's submission as an attempt to file a regular civil action, his attempt fails.

### III. CONCLUSION

For the reasons stated above, the Court recommends that this action be **DISMISSED** unless within the time for objecting to this recommendation, Jack Britton Kyle shows why his filing is proper in this Court. If this action is dismissed consistent with this recommendation, the pending motion from the non-party should be dismissed as moot.

**SO RECOMMENDED** on this 14th day of September, 2009.

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The filing fee for a typical civil action is \$350.

**INSTRUCTIONS FOR SERVICE AND  
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of these findings, conclusions and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions and recommendation must file specific written objections within 10 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE